

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEORGE STEINMETZ,

Plaintiff,

v.

SHUTTERSTOCK, INC.; et al.,

Defendants.

Civil Action No.: 1:21-cv-07100-AKH

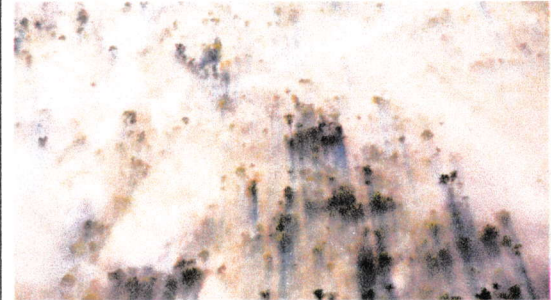
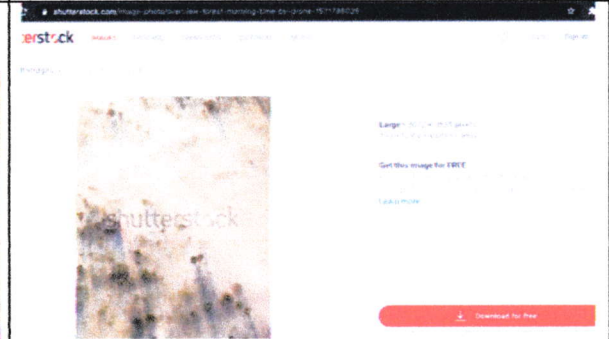
**DECLARATION OF GEORGE
STEINMETZ**

DECLARATION OF GEORGE STEINMETZ

I, George Steinmetz, hereby declare as follows:

1. I am above eighteen (18) years of age and am competent to give the testimony set forth below. Said testimony is given from my own personal knowledge. I make this declaration in opposition to Defendant's Motion for Summary Judgment. If called as a witness, I could and would competently testify as set forth below.
2. I am the plaintiff in this action. I am a photographer specializing in aerial photography. I am the author of a large portfolio of photographic works, many of which have been featured in publications such as *National Geographic*, *NY Times Magazine*, and *GEO Magazine*.
3. I have won numerous awards for photography during my career, including three prizes from World Press Photo. I have also won the Environmental Vision Award from Pictures of the Year, a citation from the Overseas Press Club, and was named *National Geographic's* Adventurer of the Year in 2008.
4. I traveled at great expense to explore the deforestation of the Amazon in 2013, where I created original aerial photography depicting my perspective of burning practices used to convert virgin areas of the Amazon rainforest into farmland for growing corn and soybeans. One of the photographs I created is the photograph at issue in this action (the "Subject Photograph"). I also published the Subject Photograph in *National Geographic*. I have attached as **Exhibit 1** a true and correct copy of the Subject Photograph.
5. The Subject Photograph contained metadata identifying me as the artist and creator of the work. I have attached as **Exhibit 2** a true and correct copy of screenshots reflecting the metadata attached to the Subject Photograph.

6. I registered the Subject Photograph with the United States Copyright Office and received an approved registration certificate. The Subject Photograph was registered on November 26, 2013 and allocated U.S. Copyright Registration Number VAu 1-169-689. Attached hereto as **Exhibit 3** is a true and correct copy of the copyright registration certificate for the Subject Photograph.
7. Prior to filing this action, I discovered that Shutterstock was publishing, displaying, and offering the Subject Photograph for licensing on its website and platform (“Infringing Copy”) without my permission. The Infringing Copy is a simply cropped and unauthorized copy of the Subject Photograph. I did not authorize this use of the Subject Photograph or Infringing Copy, and certainly had not entered into any licensing or royalty agreement that would allow the Subject Photograph to be exploited in the Infringing Copy. Attached hereto as **Exhibit 4** is a true and correct copy of an exemplar of the Infringing Copy as it appeared on Shutterstock’s website.
8. The below makes it clear that a verbatim copy of my work was reproduced, displayed, and published by Shutterstock on Shutterstock’s website and platform, as seen in the true and correct images set forth below:

Subject Photograph:	Infringing Copy:
	

9. I have previously licensed my original photography, including the Subject Photograph, to multiple publications, including to *National Geographic*, and in multiple exhibitions. Attached hereto as **Exhibit 5** are true and correct copies of representative licenses.
10. My ability to license my original photography is integral to my business as a photographer. I offer to license and license my work to news, entertainment, and general interest web sites, publications, and media outlets, among other entities. Shutterstock similarly offers to license and licenses the photographs on its site to news, entertainment, and general interest web sites and publications, which directly competes with me in the licensing market and other relevant markets. Any unauthorized use of my artwork hurts my livelihood, licensing business, and market for my photography.
11. I was deposed by Shutterstock's counsel on July 26, 2022. Attached hereto as **Exhibit 34** is a true and correct copy of select excerpts from the transcript of that deposition.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed on September 16, 2022 in Glen Ridge, N.J.

By: 

George Steinmetz
Declarant